

REMARKS

Claims 1-96 are pending. Claims 1-96 are rejected. Applicants respectfully request reconsideration of the present application in view of the amendments above and the remarks set forth below.

Applicants have amended independent claims 1, 37, 55, 73, and 90. The amendment to claim 1 states that the sensor is further configured to receive a command to enable or disable the sensor. The amendment to claim 73 comprises the remote access link to the storage device further configured to transmit a command to enable or disable a sensor. The remaining claims similarly add the step of transmitting or receiving such a command (method claims 37, 90, and 95) or means for receiving such a command (claim 55.) No new matter has been included by these amendments.

Applicants have corrected grammar by adding periods to the claims 53, 71, and 93. No new matter has been included in correcting these scrivener errors.

REJECTIONS UNDER 35 U.S.C. § 112

Claim 34 is rejected under 35 U.S.C. 112 for lack of antecedent basis for “the server.” Applicants have amended claim 34 to correct “the server” to “a server” to correct the antecedent basis problem.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,031,455 to Grube et. al. (hereinafter “Grube”) in view of U.S. Publication Number 2004/0090950 to Lauber et. al. (hereinafter “Lauber”).

Claim 1 recites a control board configured to receive and process the data from a variety of types of data collection devices, place the data into at least one packet, and transmit the at least one packet from the control board using wireless communications.

Applicants have amended claim 1 to distinguish limitations not taught or suggested by Grube and Lauber. As amended, claim 1 recites a sensor configured to receive a command to enable or disable the sensor and obtain data that is of an environmental nature. Neither Grube nor Lauber teach or contemplate a sensor that is configured to receive a command to enable or disable the sensor. Therefore, claim 1 is allowable. Further, Applicants traverse any assertion that one skilled in the art would have combined Grube and Lauber.

Grube teaches that a “method and apparatus for monitoring and processing environmental conditions within a wireless communication system is accomplished when a subscriber (22), or group of subscribers, sense an environmental condition or conditions.” (Abstract). The Office Action recites that “Grube does not show: 2) the control board for placing data into at least one packet and transmitting the packet from the control board using wireless communications.”

Lauber teaches a wireless data telemetry system that utilizes a plurality of analog RF channels for transmitting Mobile Data Packet Protocol (MDPP) packets between a tower site controller or remote base and a number of mobile data units. (Abstract). The Office Action cites that Lauber is in “related art” and uses Lauber to support that use of a data board for processing sensor data and placing the data into data packets for wireless communications is well known. The Office Action recites that it would have been obvious to one skilled in the art to incorporate the control board and microprocessor 144 of Lauber into the processing unit (50) of Grube because “utilization of data packets in the processing unit for the purpose of transmitting data via

the wireless transceiver, would have constituted a well known and efficient method for transmitting information.”

Grube and Lauber are not in “related art.” The types of information the sensors collect are different between Grube and Lauber. For example, the sensors in Grube relate to environmental conditions (Abstract) such as weather conditions, hazardous gases, or allergens (e.g. pollen and dust) (col. 3, lines 7-9). On the other hand, the sensors in Lauber relate to functions in a vehicle such as vehicle weight, tank level indicators, fixed telemetry application, alarm monitoring, and the status of most electrical and mechanical application (paragraph 105). Additionally, the sensors in Grube are in communication devices such as cellular telephones, land mobile radios, portable radios, personal digital assistance, and portable computers equipped with a wireless modem. (col. 2, line 60 – col. 3, line 3). The sensors in Lauber are in mobile units for vehicles that are mounted under a seat or in the trunk of monitored vehicles. (paragraph 291) Thus, because the two devices are so dissimilar, one skilled in the art would not have combined the communication devices of Grube with the mobile units for vehicles in Lauber.

In the Office Action, the Examiner has taken Official Notice that “in the remote sensor art, use of batteries for providing power to control boards, and as well use of solar panels for recharging batteries are well known in the art.” Applicants respectfully traverse this Official Notice because wireless communications from apparatuses with a sensor necessitate additional power consumption requirements and require new power sources and abilities to recharge the power sources such as a solar panel that recharges a battery. Furthermore, processing data into packet may also increase power consumption which would also necessitate additional power sources. The remote location of the sensor in claim 1 also adds to the difficulty in monitoring

and recharging the battery. Therefore, claim 1 is allowable for at least the above stated reasons over Grube and Lauber.

Claim 2 is dependent from claim 1 and is allowable for at least the same reasons as claim 1.

Claims 3-4 are dependent from claim 1 and are allowable for at least the same reasons as claim 1. Additionally, in the Office Action, the Examiner has taken Official Notice that “in the remote sensor art, use of analog sensors, as well as analog to digital converters are well known in the art, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate analog sensors into the sensors (37) of Grube, since analog sensor perform a better job of sensing certain environmental conditions than digital sensors, and therefore this would have augmented the overall performance of the sensors to provide the most accurate data.” Applicants respectfully traverse this Official Notice because the analog sensor and the analog to digital converter added to the communication devices of Grube would have added additional complexity of analog signal processing not contemplated by Grube.

Claims 6-12 are dependent from claim 1 and are allowable for at least the same reasons as claim 1.

Claims 13-14 are dependent from claim 1 and are allowable for at least the same reasons as claim 1. Additionally, in the Office Action, the Examiner has taken Official Notice that “in the remote sensor art, use of voltage sensors that measure and monitor voltage of a power system, including solar/battery systems is well known in the art.” Applicants respectfully traverse this Official Notice because as discussed above, the solar panels and the battery are not well known in the remote sensor art, so measuring and monitoring of the voltages of the solar panels and battery are not well known too.

Claims 15-20 are dependent from claim 1 and are allowable for at least the same reasons as claim 1.

Claims 21-32 are dependent from claim 1 and are allowable for at least the same reasons as claim 1. Additionally, as discussed above, one skilled in the art would not have combined Grube and Lauber.

Claims 33-36 are dependent from claim 1 and are allowable for at least the same reasons as claim 1.

Claim 37 has been amended to contain similar limitations to amended claim 1 through the addition of the step of receiving a command to enable or disable the sensor and is allowable for the same reasons as claim 1. Further, claim 37 is allowable for the same reasons as claim 1 over Grube and Lauber.

Claims 38-54 are dependent either directly or indirectly from claim 37 and are allowable for at least the same reasons as claim 37.

Claim 55 has been amended to contain similar limitations to amended claim 1 through the addition of means for receiving a command to enable the sensor and is allowable for at least the same reasons as claim 1. Further, claim 55 is allowable for the same reasons as claim 1 over Grube and Lauber.

Claims 56-72 are dependent either directly or indirectly from claim 55 and are allowable for at least the same reasons as claim 37.

Claim 73 has been amended to contain similar limitations to amended claim 1. The amendment states that the remote access is configured to transmit a command to enable or disable a sensor and is allowable for at least the same reasons as claim 1. Further, claim 73 is allowable for the same reasons as claim 1 over Grube and Lauber.

Claims 74-89 are dependent either directly or indirectly from claim 73 and are allowable for at least the same reasons as claim 73.

Claim 90 has been amended to contain similar limitations to amended claim 1 and is allowable for at least the same reasons as claim 1 through the addition of the step transmitting a command to enable or disable the sensor and is allowable for the same reasons as claim 1.

Further, claim 90 is allowable for the same reasons as claim 1 over Grube and Lauber.

Claims 91-94 are dependent either directly or indirectly from claim 90 and are allowable for at least the same reasons as claim 90.

Claim 95 has been amended to contain similar limitations to amended claim 1 and is allowable for at least the same reasons as claim 1 through the addition of the step receiving a command to enable or disable a sensor. Further, claim 95 is allowable for the same reasons as claim 1 over Grube and Lauber.

Claims 96 is dependent from claim 95 and is allowable for at least the same reasons as claim 95.

In regards to claims 37-96, the Office Action recites that the Examiner has taken Official Notice that “in the remote sensor art, use of computer networks including the Internet, wide area network, and local area networks for remotely accessing data in a system is well known in the art.” Applicants respectfully traverse this Official Action because adding the different types of computer networks would add additional complexity for integration and security that was not contemplated in Grube.

Applicants respectfully request for withdrawal of the rejections and allowance of claims 1-95.

REJECTIONS OF CLAIMS UNDER 35 U.S.C. § 103(a) (BASED IN PART)

ON "OFFICIAL NOTICE"

With respect to claim 1, the Examiner has rejected this claim in part on Official Notice that "in the remote sensor art, use of batteries for providing power to control boards, and as well use of solar panels for recharging batteries are well known in the art."

With respect to claims 3-4, the Examiner has rejected this claim in part on Official Notice that "in the remote sensor art, use of analog sensors, as well as analog to digital converters are well known in the art, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate analog sensors into the sensors (37) of Grube, since analog sensor perform a better job of sensing certain environmental conditions than digital sensors, and therefore this would have augmented the overall performance of the sensors to provide the most accurate data."

With respect to claim 13-14, the Examiner has rejected this claim in part on Official Notice that "in the remote sensor art, use of voltage sensors that measure and monitor voltage of a power system, including solar/battery systems is well known in the art."

With respect to claim 37-96, the Examiner has rejected this claim in part on Official Notice that "in the remote sensor art, use of computer networks including the Internet, wide area network, and local area networks for remotely accessing data in a system is well known in the art."

Respectfully, such reliance on "Official Notice" by the Examiner is improper. Pursuant to MPEP §2144.03, "In limited circumstances, it is appropriate for an examiner to take official notice of facts not in the record or to rely on 'common knowledge' in making a rejection, however such rejections should be judiciously applied." Here, the Examiner has used "Official

Notice” to reject (at least in part) all of the Applicants’ ninety-six claims (any claims not expressly rejected based, at least in part, on “Official Notice” are dependent upon 1, 3-4, 13-14, and 37-96.) Such use defies the requirement that “Official Notice” be “judiciously applied.”

Under MPEP §2144.03, “Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in In re Ahlert, the notice of facts beyond the record which may be taken by the examiner must be ‘capable of such instant and unquestionable demonstration as to defy dispute.’” (Internal citations omitted) (emphasis added). Here, the notices of fact beyond the record are not capable of instant and unquestionable demonstrations as to defy dispute.

Specifically:

1. The use of batteries for providing power to the control board of the sensor;
2. the use of solar panels for recharging batteries of the sensor;
3. an analog sensor as the sensor coupled with an analog to digital converter;
4. the use of a voltage sensor linked to a microprocessor in the control board;
5. the use of a voltage sensor that measures and monitors voltage of a solar/battery system of the sensor; and
6. the use of computer networks including the Internet, wide area network, and local area networks for remotely accessing data from the sensor;

are not capable of instant and unquestionable demonstrations as to defy dispute.

Documentary evidence is required. The Examiner respectfully has failed to satisfy this burden and the rejections of claims 1, 3-4, 13-14, and 37-96 under 35 U.S.C. §103(a) based on “Official Notice”, respectfully, should be withdrawn. Applicant, respectfully, formally requests a specific

showing of the subject matter in the claims in which the Examiner takes "Official Notice" should the Examiner reject claims 1, 3-4, 13-14, and 37-96 in any future action.



CONCLUSION

Therefore, in view of the above remarks this application is in condition for allowance, and the Examiner is respectfully requested to allow this application. The Examiner is invited to contact Applicants' undersigned representative regarding any issues that the Examiner feels are still outstanding.

Respectfully submitted,

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